

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5171 OF 2004
IN
CRIMINAL APPEAL NO.1290 OF 2004

1. Vijay Sitaram Kadam & ors.

Applicants

vs.

The State of Maharashtra

Respondent

Mr.Raja Thakare for the applicants.

Mrs.U.V. Kejriwal, APP for the respondent.

**CORAM : R. M. LODHA &
R. S. MOHITE,JJ.**

DATED : 19th January 2005

P.C.

Heard Mr.Raja Thakare, the learned counsel for the
accused-applicants and Mrs.U.V.Kejriwal, the learned
APP.

2. PW 1 - Wahid Ahmed Khan, the Police Inspector of
Traffic Control Division deposed that the
accused-applicants were seen by him on 29.06.1989 with
choppers in their hands giving blows on the person of
the deceased. The fact that he was on duty at the place
of incident to supervise the bandobast is not in
dispute. His evidence has been relied upon by the
learned trial Judge. At this stage, therefore, it
cannot be said that the conviction of the accused

persons for committing the murder of deceased is based on no legal evidence.

3. The learned counsel submitted that the accused-applicants were on bail during the trial. That situation no longer remains as the evidence has come that connects the accused-applicants with crime.

4. No case for grant of bail is made out.

5. Criminal application for bail is, accordingly, rejected.

(R.M. LODHA,J.)

(R.S. MOHITE,J.)